



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

October 21, 1992

Mr. Don A. Ostler
Director
Division of Water Quality
288 N. 1460 W.
P.O. Box 144870
Salt Lake City, Utah 84114-4870

Dear Mr. Ostler:

Re: Public Comments, Kennecott Corporation,, Barney's Canyon Mine,
M/035/009, Salt Lake County, Utah

Enclosed please find two sets of public comments received from two petitioners (Sierra Club - Utah Chapter, and TAME TIC Committee) during a recent 30-day public comment period for Kennecott Corporation's latest proposed project expansion to the Barney's Canyon Mine. We have also enclosed a copy of our October 20, 1992, conditional approval letter to Kennecott for your general information.

As indicated in our response letters to both petitioners (copies attached), we believe that the Division of Water Quality, having primary regulatory jurisdiction, is better qualified to address the technical merits of those issues dealing with ground water quality-related concerns, but that the concerns dealing with variances to highwall reclamation and revegetation are appropriate issues for the Division of Oil, Gas and Mining to hear. We will schedule a formal Board hearing for December 2, 1992, at 10:00 AM to hear the petitioners reclamation variance-related objections, and Kennecott's variance justification. You will be copied with the formal Notice of Agency Action when it is completed. Please notify us at your earliest convenience if you would like to participate in this formal adjudicative proceeding.

Page 2

Mr. Don A. Ostler

M/035/009

October 21, 1992

Please provide us with copies of any correspondence that may be exchanged between your agency and the petitioners in responding to their water quality related concerns. Thank you for your cooperation and assistance in this matter. Please contact me, or D. Wayne Hedberg of my staff if we can provide further information or clarification in this regard.

Best regards,

A handwritten signature in dark ink, appearing to read "Dianne". The signature is fluid and cursive, with a large initial "D" and a trailing flourish.

Dianne R. Nielson
Director

jb

Enclosures

cc: David Hodson, Kennecott
Scott Endicott, Sierra Club
John Williams, TAME TIC Committee

M035009.trn